

## ACTION PLAN

Submitted by agency? PDD Only  
Timeline assigned? No  
Responsibility assigned? PDD Only

### Additional performance measures suggested for the judiciary:

- Appearance rate: percentage of supervised defendants who make all scheduled court appearances.
- Reoffenders: number (or percentage) of supervised defendants who are not charged with a new offense during the pretrial stage.
- Concurrence rate: ratio of defendants whose supervision level or detention status corresponds with assessed risk.
- Release success rate: percentage of released defendants who don't violate conditions of their release, appear for all scheduled court appearances, and are not charged with a new offense during pretrial supervision.
- Pretrial detainee length of stay: average length of stay in jail for pretrial detainees who are eligible by statute for pretrial release.

## Courts and Justice

Beginning in FY18, all justice partners began reporting quarterly. Since the district attorneys and the Public Defender Department joined the Administrative Office of the Courts in the new, comprehensive report card format, the unequal reporting of data across the criminal justice system has become apparent. The courts have transitioned many measures to semi-annual reporting, reducing their reliability and value. District attorneys have improved reliability of reporting, but lack critical performance measurements. The Public Defender Department has improved dramatically in the last year, and now reports a comprehensive suite of measures on a quarterly basis. In response to legislative interest, the judiciary has formed a performance measures committee to improve measures for the courts.

## COURTS

### Administrative Support

The new jury management tool, implemented by the Administrative Office of the Courts in FY18, substantially decreased average cost-per-juror, outperforming the target. The courts realized further cost savings due to the passage of House Bill 385 during the 2017 regular legislative session, which limited travel reimbursements to jurors traveling more than 40 miles. Savings allowed for juror pay to be restored to the statutory requirement. Despite the progress made for jurors, average interpreter cost-per-session remained above the target throughout FY19.

**Budget:** \$14,128.5 **FTE:** 49.8

Measure	FY17 Actual	FY18 Actual	FY19 Target	Q1	Q2	Q3	Rating
Average cost per juror	\$67.44	\$59.72	\$50.00	\$44.65	\$41.07	\$41.05	<b>G</b>
Number of jury trials*	NEW	902	N/A	234	230	261	
District*	NEW	650	N/A	164	149	160	
Magistrate*	NEW	181	N/A	55	71	98	
Metropolitan*	NEW	71	N/A	15	10	14	
Average interpreter cost per session	\$152.50	\$154.74	\$100.00	\$154.74	\$168.32	\$148.86	<b>R</b>

### Program Rating

**Y**

\*Measures are classified as explanatory and do not have targets.

## Special Court Services

In FY18, the courts implemented new quarterly measures to better assess the efforts of drug courts. Data collection and reporting proved to be a challenge and measures will only be reported semiannually for FY19. There is significant concern about the courts' ability to meet reporting requirements with meaningful measures, despite increased investment from the Legislature. In FY18, drug courts experienced a continuing trend of lower graduation rates and higher recidivism, although still significantly lower than the FY18 average recidivism rate of 49 percent for those incarcerated in state prison. The declining number of participants in specialty courts remains a concern despite its exclusion from quarterly reporting.

## PERFORMANCE REPORT CARD

### Courts and Justice

### Third Quarter, Fiscal Year 2019

**Budget:** \$13,416.3 **FTE:** 9.5

Measure	FY17 Actual	FY18 Actual	FY19 Target	Q1	Q2	Q3	Rating
Recidivism rate for drug court participants	16%	14%	12%	No Report	11%	No Report	R
Graduation rate for drug court participants*	58.6%	NEW	N/A	No Report	45%	No Report	R
Cost per client per day for all drug court participants*	\$23.25	\$23.25	N/A	No Report	\$43.15	No Report	R
<b>Program Rating</b>							R

\*Measures are classified as explanatory, provided for informational purposes. The measures do not have targets.

### Statewide Judiciary Automation

Complications with the Odyssey case management system and the associated increased workload caused times per service call to more than double in FY17 and remain high through FY18. The new system incorporates all call types regardless of difficulty and measures time to resolve calls from several minutes to weeks. LFC staff recommends more appropriate performance measures for FY20, including those that measure core functions of development, enhancement, and maintenance for court automation.

**Budget:** \$9,747 **FTE:** 53.5

Measure	FY17 Actual	FY18 Actual	FY19 Target	Q1	Q2	Q3	Rating
Average time to resolve calls for assistance, in hours	80	667	10	60	47	50	R
<b>Program Rating</b>							R

### Magistrate Court

Reporting by the Administrative Office of the Courts was incomplete for Q1 of FY19, and no report on the number of active cases pending was submitted for the third quarter of FY19. There is significant concern about the courts' ability to meet reporting requirements with meaningful measures.

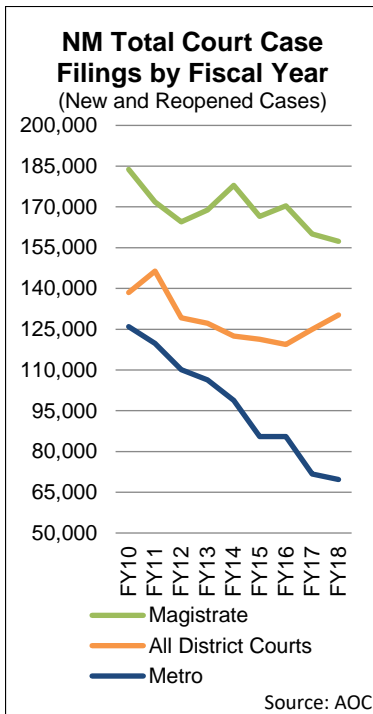
**Budget:** \$33,465.3 **FTE:** 344.5

Measure	FY17 Actual	FY18 Actual	FY19 Target	Q1	Q2	Q3	Rating
Number of active cases pending*	NEW	17,794	N/A	No Report	26,876	No Report	G
Cases disposed as a percentage of cases filed	101%	100%	100%	137%	102%	106%	Y
<b>Program Rating</b>							Y

\*Measure is classified as explanatory and does not have a target.

### DISTRICT ATTORNEYS

For FY19, falling case referrals and preliminary police data suggest a falling crime rate in New Mexico for the first time since 2010. Since case referrals are not directly tied to performance, the executive and LFC have proposed new measures for FY20. Responding to legislative interest, the district attorneys submitted a unified priorities budget request for FY20.



## PERFORMANCE REPORT CARD

### Courts and Justice

### Third Quarter, Fiscal Year 2019

**Budget: \$73,059.8 FTE: 954**

**Additional performance measures suggested for the district attorneys:**

- Detention motion success rate: proportion of pretrial detention motions granted.
- Detention motion rate: proportion of defendants who are motioned for detention.
- Detention motions: number of detention motions made.
- Conviction rate: proportion of cases that result in conviction of those that make it to trial.
- Alternative sentencing treatment: proportion of cases which are identified as eligible for alternative sentencing treatment.
- Alternative sentencing treatment offers: proportion of cases which are diverted to alternative sentencing treatment.

Measure	FY17 Actual	FY18 Actual	FY19 Target	Q1	Q2	Q3	Rating
Number of Cases Referred for Screening*	75,523	73,256	N/A	19,918	17,510	17,933	
1 <sup>st</sup> District*	6,874	6,353	N/A	1,578	1,398	1,409	
2 <sup>nd</sup> District*	24,376	23,193	N/A	6,644	6,101	5,983	
3 <sup>rd</sup> District*	5,760	5,688	N/A	1,306	1,417	1,418	
4 <sup>th</sup> District*	2,181	1,888	N/A	531	410	473	
5 <sup>th</sup> District*	7,794	7,748	N/A	1,813	1,849	1,953	
6 <sup>th</sup> District*	2,879	2,839	N/A	669	601	658	
7 <sup>th</sup> District*	1,955	2,161	N/A	551	491	457	
8 <sup>th</sup> District*	2,152	2,080	N/A	749	531	484	
9 <sup>th</sup> District*	3,451	3,217	N/A	814	713	809	
10 <sup>th</sup> District*	914	838	N/A	243	226	202	
11 <sup>th</sup> District Div. I*	4,592	5,164	N/A	1,359	1,278	1,312	
11 <sup>th</sup> District Div. II*	2,562	2,542	N/A	743	543	583	
12 <sup>th</sup> District*	4,089	3,831	N/A	732	677	753	
13 <sup>th</sup> District*	5,944	5,714	N/A	1,386	1,275	1,529	
Average Attorney Caseload	315	275	70	78	69	71	Y
1 <sup>st</sup> District	255	244	70	66	55	51	G
2 <sup>nd</sup> District	264	239	70	65	59	57	G
3 <sup>rd</sup> District	349	335	70	97	105	91	R
4 <sup>th</sup> District	312	260	70	106	82	78	Y
5 <sup>th</sup> District	346	333	70	79	73	87	R
6 <sup>th</sup> District	318	291	70	70	71	82	R
7 <sup>th</sup> District	206	234	70	73	58	54	G
8 <sup>th</sup> District	358	303	70	68	76	60	G
9 <sup>th</sup> District	363	314	70	71	62	77	Y
10 <sup>th</sup> District	366	335	70	97	90	81	R
11 <sup>th</sup> District Div. I	328	339	70	85	71	73	Y
11 <sup>th</sup> District Div. II	394	370	70	99	64	78	Y
12 <sup>th</sup> District	315	356	70	73	64	63	G
13 <sup>th</sup> District	233	231	70	48	43	60	G
<b>Program Rating</b>							Y

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## PUBLIC DEFENDER

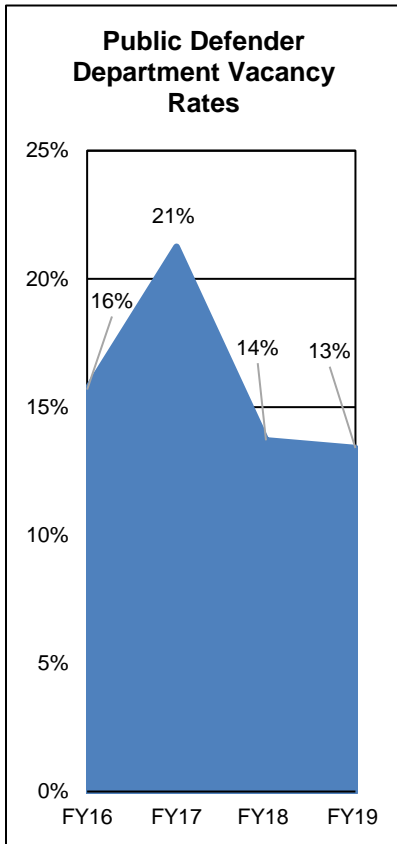
Though vacancy rates have fallen from 21 percent in FY17 to 13 percent in FY19, competition in the legal field led the Public Defender Department to reassign a significant number of in-house and contractor cases. The unexpected loss of attorneys is partially responsible for a drop in reported performance measures. In response, the Public Defender Department used new recruitment methods, such as visiting career fairs around the country and increased internships; the department also implemented geographical pay increases in hopes of retaining attorneys. Reported measures for contract attorneys are well below targets, which may be due in part to reporting issues rather than substantive issues. The agency plans to address this in FY20.

# PERFORMANCE REPORT CARD

## Courts and Justice

### Third Quarter, Fiscal Year 2019

**Budget:** \$52,129.7 **FTE:** 439



Measure	FY17 Actual	FY18 Actual	FY19 Target	Q1	Q2	Q3	Rating
Felony, misdemeanor, and juvenile cases resulting in a reduction of original formally filed charges	NEW	75%	70%	81%	71%	70%	G
In-house attorneys	NEW	83%	70%	84%	86%	89%	G
Contract attorneys	NEW	43%	70%	71%	25%	25%	R
Felony, misdemeanor, and juvenile cases resulting in alternative sentencing treatment	NEW	11,548	5,000	2,446	2,579	3,239	G
In-house attorneys	NEW	10,130	4,000	2,134	2,338	2,922	G
Contract attorneys	NEW	1,454	1,000	312	241	317	G
Cases assigned to contract attorneys*	NEW	31%	N/A	29%	32%	36%	
Cases assigned per in-house attorneys	312	302	330	76	61	62	G
Average time to disposition for felonies, in days*	NEW	261	N/A	283	213	346	
In-house attorneys*	169	256	N/A	275	183	362	
Contract attorneys*	256	274	N/A	290	244	330	
Cases opened by the Public Defender Department *	NEW	45,237	N/A	14,456	13,811	16,065	
In-house attorneys*	NEW	31,660	N/A	10,079	9,262	10,538	
Contract attorneys*	NEW	13,577	N/A	4,377	4,549	5,257	

#### Program Rating

G

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